

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50548 of 2021

Arising Out of PS. Case No.-433 Year-2021 Thana- KHAJANCHI HAT District- Purnia

SHAHEEN AHMAD @ MD. SHAHIN AHMAD S/o LATE MD. HUSSAIN
R/o WARD No. 26 MADHOPARA, NEAR ARABIA COLLEGE, P.S-K.HAT
(SAHAYAK), DISTRICT-PURNEA, BIHAR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Ms.Preety Kunwar, Advocate
For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-03-2022 Heard the learned senior counsel for the petitioner and
the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Special Case No. 36 of 2021 (NDPS Act) arising out of K. Hat
(Sahayak) P.S. Case No. 433 of 2021 for the offence registered
under Section 30(a) of the Bihar Prohibition and Excise Act and
Sections 275, 276 and 34 of the Indian Penal Code.

The allegation is regarding recovery of huge quantity
of Wirof syrup Codeine Phosphate and Chlorpheniramine
Malcate Syrup from a scorio vehicle and from the premises of
the petitioner who is stated to be the Area Manager of the
transport company in question.

The learned senior counsel for the petitioner Shri N.K.



Agrawal has submitted that the petitioner is merely the Area Manager of the transport company in question and the cough syrup in question does not belong to the petitioner, since the same was being transported through the transport company in question. It is further submitted that the prosecution has merely stated about the presence of the petitioner at the godown in question and further it has been merely stated that the cough syrup in question was being transported through the transporting firm in question, however, no allegation has been levelled qua the petitioner, regarding him being the owner of the bottles of cough syrup in question. The learned senior counsel for the petitioner has further submitted that the co-accused persons are the license holder of the cough syrup in question, hence at least the petitioner cannot be said to be having any complicity in the matter. It fact it is submitted that similarly situated co-accused persons have already been granted bail by a coordinate Bench of this Court vide order dated 25.02.2022 passed in Criminal Misc. No. 47493 of 2021.

Per contra, the learned counsel for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel



for the petitioner and taking into account the materials available on record as also considering the parity of the case of the petitioner with that of the co-accused persons who have already been granted bail by a coordinate Bench of this Court, apart from the fact that the petitioner is merely the Area Manager of the transporting firm in question through which the bottles of the cough syrup were being transported, I deem it fit and proper to direct for release of the petitioner herein on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, NDPS Act, Purnea in connection with Special Case No. 36 of 2021 arising out of K. Hat (Sahayak) P.S. Case No. 433 of 2021.

(Mohit Kumar Shah, J)

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